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2 ATTORNEYS AT LAW  
3 804 KALMUS STREET  
4 SAN DIEGO, CALIFORNIA 92101  
5 239-2861

[F Robert D. Zumwalt, Clerk D]

SEP 22 1978

EX E AMUNDSEN, Deputy

5 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN DIEGO

10 GREMLIN INDUSTRIES, a ) No. 416704  
11 Delaware Corporation, )

12 Plaintiff, ) ORDER RE MOTION FOR  
13 v. ) CHANGE OF VENUE

14 CIRCLE INTERNATIONAL CO., )  
15 INC., etc. et al., )

Defendants.)

16 On August 24, 1978, at 1:30 p.m. in Department Five of  
17 the above-entitled Court, the Honorable Paul Eugene Overton  
18 presiding, RICHARD R. FREELAND from the firm of ASARO & KEAGY  
19 appeared on behalf of plaintiff GREMLIN INDUSTRIES, and  
20 RICHARD J. GREENE from the firm of KIRSCH, ARAK & BULMASH  
21 appeared on behalf of defendant CIRCLE INTERNATIONAL CO. at the  
22 regularly scheduled hearing on said defendant's motion for change  
23 of venue. Having considered the Notice, Motion, Points and  
24 Authorities, and Declaration submitted and filed with the Court,  
25 as well as the oral argument presented at the time of said  
26 hearing, and good cause appearing therefor,

27 IT IS HEREBY ORDERED that for the reasons contained in  
28 plaintiff's Points and Authorities filed with this Court on

1 August 22, 1978, that plaintiff may proceed with the above  
2 entitled action in the above entitled Court, and that defendant's  
3 motion for order changing venue is hereby denied. Said  
4 defendant shall have up to and including October 13, 1978,  
5 in which to file his responsive pleadings to the Complaint on  
6 file herein.

7 Dated: 9-22-78

*Jane E. Keagy, Jr., Esq.*  
Judge of the Superior Court

10 APPROVED AS TO FORM:

11 KIRSCH, ARAK & BULMASH

12 By: Richard J. Greene  
13 Attorneys for Defendant

14 *\* See letter of 8-31-78*  
15 *and transcript filed 9-22-78*

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FRANK L. ASARO  
ROSCOE D. KEAGY  
SAMUEL C. ALHADIFF  
RICHARD D. BREGANTE  
RICHARD R. FREELAND  
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[S] Robert D. Zumwalt, Clerk [D]

SEP 22 1978

BY E. AMUNDSEN, Deputy

September 12, 1978

Honorable Judge Paul E. Overton  
San Diego Superior Court  
Department 16  
220 W Broadway  
San Diego, CA. 92101

Re: Gremlin Industries v. Circle International  
Co., etc., et al.,  
Superior Court Case #416704

Dear Judge Overton:

Enclosed is an Order proposed by Plaintiffs on Defendants' Motion for Change of Venue. Also enclosed is a letter from Mr. Richard J. Greene, attorney for the Defendants, expressing concern of the Order as proposed.

If this Order meets with the Court's approval, would you please sign it, have it filed, and return a conformed copy for our records.

In the event you require a modification of this Order, please advise.

Sincerely yours,

*Richard R. Freeland*  
RICHARD R. FREELAND

RRF:jf  
Enclosure

cc: Richard J. Greene

SEP 22 1978

LAW OFFICES  
KIRSCH, ARAK AND BULMASH

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August 31, 1978

IN REPLY REFER TO  
GF #1146.25RECEIVED  
SEP 5 1978

Richard R. Freeland, Esq.  
Asaro & Keagy  
304 Kalmia Street  
San Diego, California 92101

Re: Gremlin Industries vs.  
Circle International

Dear Mr. Freeland:

Pursuant to our telephone conversation of August 31, 1978, I am enclosing herewith the original of the proposed Order which your office prepared relative to the hearing on Defendants' Motion for Change of Venue in the above-captioned matter.

At firstly, I changed the date on Page 2, at line 4, pursuant to our conversation, to reflect the correct date as being October 13, 1978.

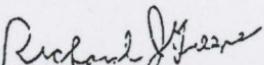
In addition, as we discussed, I am concerned as to signing approval as to form or content of the Order in its present form, in that the Order states that the Court's denial of the Motion for Change of Venue was limited to the reasons contained in Plaintiff's Points and Authorities filed with the Court. I do not feel that the Court, in announcing its decision, limited its ruling to that extent, and am concerned about signing an approval as to such a contention.

You indicated that you would present the Order to the Court along with this letter and that Judge Oberton would amend the Order if he saw fit. Of course, I would appreciate a conformed copy of the final form Order once the Judge has signed it.

Thank you for your courtesy and cooperation regarding this matter.

Very truly yours,

KIRSCH, ARAK and BULMASH

  
Richard J. Greene